

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION

LACY SLATE, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 6:17-cv-01272-MHH-SGC
	)	
DR. BRIAN CHRISTINE, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

On July 28, 2017, *pro se* plaintiff Lacy Slate, Jr. filed this action against defendants Brian Christine, Rebecca L. Holmes, St. Vincent's Hospital, and Brookwood Medical Center. (Doc. 1, p. 1). Mr. Slate also asked for permission to proceed *in forma pauperis*. (Doc. 2).

The magistrate judge to whom this case originally was assigned granted Mr. Slate's *in forma pauperis* request on October 17, 2017. (Doc. 5, p. 2). The magistrate judge pointed out several pleading and jurisdictional deficiencies in Mr. Slate's complaint and ordered Mr. Slate to file an amended complaint. (Doc. 5, pp. 2-7). Mr. Slate did so on May 11, 2018. (Doc. 9).

The magistrate judge reviewed Mr. Slate's amended complaint and recommended that the Court dismiss without prejudice Mr. Slate's amended complaint for lack of jurisdiction. (Doc. 10, p. 1). The magistrate judge explained

that Mr. Slate's complaint does not contain a claim based on federal law, and Mr. Slate's factual allegations do not suggest that this Court may exercise diversity jurisdiction over Mr. Slate's state law action. (Doc. 10).

The magistrate judge advised Mr. Slate of his right to object to her recommendation within fourteen (14) days. (Doc. 10, p. 9). To date, Mr. Slate has not objected to the magistrate judge's report and recommendation.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Based on its review of the record in this case, the Court finds no misstatements of law in the report and no plain error in the magistrate judge's description of Mr. Slate's factual allegations. Therefore, the Court adopts the magistrate judge's report and accepts her recommendation.

The Court will issue a separate final order consistent with this memorandum opinion.

**DONE** and **ORDERED** this 13th day of November, 2018.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE